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Notice of Allowability

Application No.

10/740,746

Applicant(s)

CHEBOLU ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 01/11/2008.
2. ☒ The allowed claim(s) is/are 1-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>held on 1/30/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The request filed on January 11, 2008 for a request for continued examination (RCE) under 37 CFR 1.114 based on patent application 10/740,746 is acceptable and an RCE has been established.

All independent claims namely claim **1, 12 and 23** are amended. No claim is added or canceled. Thus claims **1-32** are pending/examined.

2. Examiner and Applicant's representative made a telephone interview on January 30, 2008 for the purpose of overcoming the 35 U.S.C. 101 rejection that would have been given to claims 1-11 and 35 U.S.C. 112, first paragraph rejection that would have also been given to claims 23-32.

3. A careful review of the claims reveals that the limitation recited in independent claim 1 are all software/program and since a system claims that does not include a hardware is directed to non-statutory subject matter, applicant's representative agreed to amend the claims so that the system claims 1-11 are directed to a statutory subject matter. (See Examiner's amendment)

4. **Furthermore, referring to claims 23-32, a careful review of the claims reveals that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification/original disclosure fails to mention/specify or teach the limitation "tangible computer-readable storage medium", which is added on the above respective claims when the amendment was filed on 08/01/2007.**

This limitation was added for the purpose overcoming the 35 U.S.C. 101 rejection set forth in the previous office action. (See for instance office action mailed on 05/01/2007).

Based on a thorough review of the entire disclosure and a text search for "**tangible computer-readable storage medium**", there is no "readily apparent support" for this limitation. This raises a question which mediums are explicitly included/excluded with this limitation. Without such explicit recitation in the original disclosure, the office would not be able to determine what constitutes the "**tangible computer-readable storage medium**". In other words, with out the support in the specification, it may be the case that such limitation might also include or directed to a non-statutory subject matter.

Examiner and applicant's representative agreed on the language of the claims that would overcome the 35 U.S.C. 112, first paragraph rejection that would have been given to claims 23-32. (See the Examiner's amendment)

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott P. Zimmermann Attorney for the Assignee Reg. No. 41,390 on January 30, 2008.

The application has been amended as follows:

IN THE CLAIMS

1. (Currently Amended) A system for controlling computer access, the system comprising:

a processor accessing at least one user profile for at least one respective user, each user profile indicating access times that the respective user is authorized to access a computer, including a time for accessing a particular local computer application of the computer, wherein each user profile is customizable for the respective user;

means for querying a remotely located server for a current time..

means for preventing manipulation of a local clock setting by preferring the current time obtained from the remote server;

means for comparing the current time to the time restrictions; and

the processor executing a control unit to regulate user-access to the computer according to the user profile of a current user of the computer

23. (Currently Amended) A computer memory ~~A tangible computer-readable medium~~ for storing processor executable instructions for performing a method of controlling access to a computer ~~a program that when executed on a computer controls computer access, the method~~ program comprising:
- creating at least one user profile restricting computer access according to time restrictions for at least one respective user including a time for accessing a particular local computer application of the computer;
- storing the at least one user profile on the computer;
- identifying a current user of the computer
- receiving a request from the current user for computer access;
- querying a remotely located server for a current time;

preventing manipulation of a local clock setting by preferring the current time, obtained from the remote server;

comparing the current time to the time restrictions;

checking the user profile of the current user to determine if the current user is authorized for the computer access at a current time; and

denying access to the Interact site if the current user is not authorized for computer access at the current time.

24-32. (Currently Amended) Please replace "medium" with "computer memory"

Allowable Subject Matter

5. **Claims 1-32** are allowed.
6. Support to the above examiner amendment is verified and found on the original disclosure. For instance for examiner's amendment made to claims 1-11 see paragraphs 0035, 0049, 0044 and 0053-0054, and for examiner's amendment made to claims 23-32 see paragraph 0041-0046; in particular see end of paragraph 0046.
7. The following is an examiner's statement of reasons for allowance:
8. **Claims 1-32** are allowed for the following reason/s.

Referring to the respective independent claims 1, 12 and 23, the reference on the record, namely the combination of Hastings and **Grupe** discloses each and every limitation of the previous independent claims **1, 12 and 23** before the claims were amended, as shown below.

For instance, Referring to the former independent claim 1, 12 and 23 Hastings, the primary reference on the record, discloses a system for controlling computer access [Abstract] *(Access to stored information by a user is controlled by comparing an actual geographic position and/or an actual date/time with a geographic region and/or a date/time interval within which access to the stored information is authorized), the system comprising:*

At least one user profile for at least one respective user,[See figure 6, ref. Num 155] *(for one user or one-time and for 2nd user...)* **each user profile indicating access times that the respective user is authorized to access a computer, wherein each user profile is customizable for the respective user; a control unit to regulate user-access to the computer according to the user profile of a current user of the computer. (Abstract and figure 2, ref. Num "154"; figure 4, ref. Num "460" figure 5, ref. Num "460" and column 3, lines 3-4; column 3, lines 56-62 and column 4, lines 14-26) *(For instance on column 4, lines 18-26, the following has been disclosed. "Each GPS satellite 90 maintains an extremely accurate clock. The receiver 70 receives the GPS clock signals as part of signals 75, or a local atomic clock can provide similar clock signals. The clock signals enable control of access to the information based on the actual time when access to the information is attempted. For example, the producer can specify that access is to be granted only (1) before a predetermined date/time; (2) after a predetermined date/time; or (3) only during a predetermined date/time period.")***

Hastings does not explicitly teach that

The access times that the respective user is authorized to access a computer, including a time for accessing a particular local computer application of the computer.

However, in the same field of endeavor **Grupe** on paragraph 0026, discloses the following. *"The use of access credentials, such as a pass phrase, or biometric profile, ensures that if the encrypted file were to be intercepted, or even sent to an incorrect person, they would not be able to open the file without this pass phrase or profile. The use of expiry times for the decryption key, and encrypted file means that they are erased after a certain time period. This prevents confidential messages that have not been opened for some reason, from remaining stored somewhere for an unspecified length of time. It also means that if the recipient were to have copied the application and the encrypted message prior to opening it, this copy of the information will be unusable because the decryption key is no longer available. **Allowing the user to specify the user access time period and expiry times means that a length of time that is suitable for the size of the file to be viewed and the degree of confidentiality can be chosen by the user.**"* Furthermore on paragraph 0021, the computer data file includes **application e.g. spreadsheet, graphics, audio or video data files**. Therefore this meets the limitation recited as "the access times that the respective user is authorized to access a computer, including a time for accessing a particular local computer application of the computer."

However, as applicant persuasively argued, the combination of Hastings and **Grupe**, does not disclose the following functional limitation which is added/recited in the amended independent claims **1,12 and 24**.

querying a remotely located server for a current time and
preventing manipulation of a local clock setting by preferring the current time obtained from the remote server.

None of the prior art of record taken singularly or in combination teaches a method of controlling computer access comprising, the above functional

limitation, together with the other limitation recited in the respective independent claims 1, 12 and 23. For this reason, independent claims 1, 12 and 23 are found to be novel and are allowed.

9. The dependent claims **2-11, 13-22 and 24-32** which are dependent on the above independent claims 1, 12 and 23 being further limiting to the independent claim, definite and enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

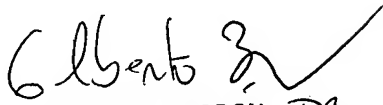
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SAMSON LEMMA
S.L.
01/30/2008


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100